

Remarks/Arguments:

This is in response to the Office Communication dated October 6, 2006 which pointed out that claims 40-42 had not been underlined in Applicants' response filed on July 12, 2006 and required that claims 40-42 be underlined. This response complies with the requirements in the October 6, 2006 Office Communication and in the previous Office Communication dated June 12, 2006.

Preliminarily, it is noted that a number of formality objections were raised in the previous Office Communication dated June 12, 2006 regarding the amendment filed on June 10, 2004. These objections have been addressed and are discussed in detail below. The Applicants wish to thank the Examiner for the courtesy shown to their representative by leaving a voicemail message addressing how to comply with the requirement in 37 C.F.R. § 1.173(c) that Applicants submit support for claim changes. The Examiner stated that once support is shown for lower numbered claims (for example, claim 43) Applicants can rely upon that showing of support in later numbered claims (for example, claims 47 and 48) without the need to repeat verbatim the support cited for the earlier numbered claim.

Compliance With 37 C.F.R. § 1.173(b)

The manner of making amendments in a reissue application as specified in 37 C.F.R. §§ 1.173(b) and 1.173(d) and in MPEP § 1453 is now met by underlining claims 40-58.

Compliance With 37 C.F.R. § 1.173(c)

The "status of claims and support for claim changes" requirements enumerated in 37 C.F.R. § 1.173(c) are now met with the following comments. Specifically, the claim status of each pending claim 1-30 and 40-58 is indicated on the attached sheets, with claims 31-39 indicated as canceled without prejudice and the underlining of claims 40-58 indicating that they are new.

Support for the added claims is contained in the patent at least in the portions of the disclosure identified below.

Claim 40

"a multi-component bifurcating expandable supporting endoluminal graft": Referring to Figs. 22-25, for example, there is shown a trunk component 101, a liner 122, and a liner 123.

Trunk component 101 has a branched portion 119 that includes legs 109 and 113. (col. 12, lines 10-31)

"a plurality of expandable supportive endoluminal components adapted to be individually deployed at a selected location within a body vessel": For example, there is a common trunk portion 118 and a branched portion designated as 119 that includes legs 109 and 113. (col. 12, lines 11-13). Col. 1, lines 18, 24 states that the invention generally relates to expandable structure and col. 12, lines 32-43 refers to components as expandable. Col. 1, lines 17-19; col. 12, lines 18-19 states that the invention can be endoluminally placed, for example, in the aortic artery.

"each said supportive endoluminal graft component being radially compressible for endoluminal insertion and radially expandable for deployment at a desired location within a body vessel": Col. 3, lines 45-54; col. 8, lines 19-20; col. 11, lines 20-21, 32-34, 47-54 state that embodiments of the invention are radially compressed. Col. 6, lines 25-26; col. 9, lines 54-61; col. 10, lines 65-67; col. 12, lines 35-42 which show that embodiments are radially expandable.

"one of said expandable supportive endoluminal components is a trunk component": Col. 12, lines 10-11 refers to trunk component 101. See also, claim 1, col. 20, lines 50-51.

"said trunk component generally surrounding a trunk liner positioned within said trunk component": Col. 12, lines 27-31 and Fig. 23 refer to and show liners 122, 123 within trunk component 101.

"said trunk liner having a generally cylindrical body portion and two leg portions": Col. 12, lines 11-13, 50-54, 60-67 identify a common trunk portion 118 and legs 109, 113 in Figs 22-25; common trunk portion 118c and legs 109c, 113c in Figs. 31, 32. See also, claim 1, col. 20, lines 54-55.

"each said leg portion defining a leg opening": After describing the trunk component and the legs, the specification at col. 12, lines 17-18 states that the configuration provides "a double-lumen length located between two single-lumen lengths." Col. 12, lines 38-42 refer to openings of the leg components. See also, claim 1, col. 20, lines 56-57.

"wherein the generally cylindrical body portion of said liner and portions of said leg portions abut said trunk component and are secured to said trunk component": Col. 12, lines 26-30, 65-67 states that portions of the liner are secured to stent component 121/121c of trunk component 101/101c at adhesion zones 124c, 125c.

"portions of said leg portions not abutting said trunk component abut one another and are secured to one another": See Fig. 32. The other portions of the leg portions are pinched to form an internal seam 126c. See, col. 12, line 67-col. 13, line 6.

"at least one other of said expandable supportive endoluminal components is a generally cylindrical supportive leg component": Col. 12, lines 12-13 refers to legs 109, 113. See also, claim 1, col. 20, lines 60-62

"said generally cylindrical supportive leg component and one of said leg portions of said liner, when said leg component and trunk component are deployed within the body vessel, are telescopically positioned with respect to one another": Fig. 21 and col. 11, lines 55-61 describe a telescopic relationship between trunk component 101 and tubular components 108, 115. See also claim 1, col. 20, lines 63-67.

Claim 41: See, for example, col. 12, lines 39-42 and Fig. 29.

Claim 42: See, for example, col. 11, lines 11-13; col. 13, lines 21-30 See also, claim 3, col. 21, lines 7-8.

Claim 43

"an endoluminal support device": Referring to Fig. 29, for example, the support device begins at the left side of the indent identified by reference number 124 (col. 12, line 33) and terminates on the right side at the end of legs 109, 113.

"a radially-expandable, bifurcated support": See, e.g., col. 10, lines 65-67 and col. 11, lines 11-15 which state that the various components of the embodiments of this invention are expandable and include a bifurcated expandable graft. See, also, col. 13, line 59-col. 14, line 13 which state that the grafts of the invention are expandable by the application of radially outwardly directed forces from a smaller diameter configuration to a larger diameter configuration.

"a first support portion": Figs. 21-25, 29, 30. Indents 124, 125 (referred to at col. 12, lines 32-33) define branched passageways with openings 126, 127 (referred to at col. 12, lines 38-42). Referring to Fig. 29, for example, a first support portion is in the area to which reference number 124 is pointing.

"a second support portion including a first lobe and a second lobe and a longitudinal isthmus between the first lobe and the second lobe": Referring to Figs. 25, 29, and 30, for example, a second support portion is in the area where the components 108, 115 are inserted into the legs 109, 113. (Col. 12, lines 38-42 describe the sliding engagement) The legs 109

and 113 in this area comprise a first lobe and a second lobe. Figs. 29, 30, for example, show a longitudinal isthmus between the two lobes. See also, col. 11, line 31-col. 12, line 43.

"the first and second lobes having smaller diameters than the first portion": Fig. 29 shows this feature. See also, col. 15, lines 9-12, which states that the leg portions each have a diameter that is less than the diameter of the main body.

"a liner coupled to the radially-expandable, bifurcated support": The use of liners is disclosed at various portions the patent. See, for example, col. 3, lines 2-5; col. 13, lines 63-66; col. 14, lines 48-52.

"the endoluminal support device has an uninterrupted cross-section over its entire length": The cross-section of the support device is uninterrupted from the left side of indent 124 to the right side end of legs 109, 113. See, for example, Figs. 25, 29, 30.

Claim 44: See, for example, col. 3, lines 2-5; col. 12, lines 26-31 and Fig. 23; col. 14, lines 48-51.

Claim 45: See, for example, col. 3, lines 2-5; col. 14, lines 48-51

Claim 46: See, Figs. 20, 21, 29; col. 12, lines 32-42, which states that leg components slid into branched passageways.

Claim 47: Applicants incorporate by reference the disclosure citations for claim 43. The distal support portion and the proximal support in claim 47 correlate at least to the first and second support portions, respectively, in claim 43. At least the following disclosure teaches that the liner is bifurcated: col. 3, lines 12-16; col. 11, line 31-col. 12, line 19.

Claim 48: See the citations for claim 44, which are incorporated by reference.

Claim 49: See the citations for claim 45, which are incorporated by reference.

Claim 50: See, for example, col. 3, lines 44-45; col. 11, lines 12-13; col. 13, lines 21-30.

Claim 51: Applicants incorporate by reference the disclosure citations identified for claims 43 and 47.

Claim 52: See the citations for claim 44, which are incorporated by reference.

Claim 53: See the citations for claim 45, which are incorporated by reference.

Claim 54: Applicants incorporate by reference the disclosure citations for claims 43 and 47.

Claim 55: See the citations for claim 45, which are incorporated by reference.

Claim 56: See col. 11, lines 55-57, which states that it is not required to attach the trunk component 101 with tubular components 108, 115 together. See, also, col. 12, lines 4-9, which states that if a telescopic joint or other means is not used to relieve stress, a considerable amount of stress can be placed on anchoring sites and/or attachment components. It is therefore inherent that the distal support can be (but need not be) coupled to the main body using an attachment mechanism. That is, components can be coupled telescopically or may be attached to each other. An attachment embodiment is further supported by col. 12, lines 39-42 which explains that leg component 115 "expansively fits within opening 127 of the leg component 115 [sic]." "Expansive fitting" supports the recitation of "an attachment mechanism." In addition, referring to Figs. 31 and 32, liner 122c has a body portion 123c and legs 109c, 113c. Each leg 109c, 113c of the liner is secured to stent component 121c at adhesion zones 124c and 125c. (col. 12, lines 50-67).

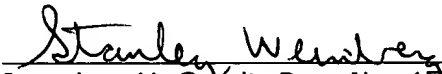
Claim 57: See the citations and explanation for claim 56, which are incorporated by reference. See also, Figs. 25 and 29 and col. 12, lines 32-42. Figs. 25 and 29 show that a lobe of the support (the portion of trunk component near the reference number 124) and a portion of indents 124 and 125 are attached to branch 113.

Claim 58: See the citations and explanation for claim 57, which are incorporated by reference. Here, a second lobe of the support and a portion of indents 124 and 125 are attached to branch 109.

Conclusion

The Applicants respectfully assert that they have now complied with all of the requirements for reissue applications contained in 37 C.F.R. and MPEP § 1453. A notice of allowance of a Reissue Patent with claims 1-30 and 40-58 is respectfully requested.

Respectfully submitted,


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